

REMARKS

Claims 62-71, 74-83, 86, 87, and 90 are now pending in the application. Claims 62-71, 74-83, 86, and 87 are currently amended. Claims 61 and 89 are cancelled by this amendment. Claim 90 is newly added. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed and as amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The specification is objected to because of certain informalities. Applicant has made the appropriate corrections, thereby rendering the objection moot.

CLAIM OBJECTIONS

Claims 61 and 89 are objected to because of certain informalities. Applicant has cancelled claims 61 and 89, thereby rendering the objection moot as to these claims. The applicable corrections have been included in the language of new claim 90.

REJECTION UNDER 35 U.S.C. § 112

Claims 61-71, 74-83, 86, 87, and 89 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled claims 61 and 89, thereby rendering the objection moot as to both these claims and the

claims depending upon claim 61. The applicable corrections have been included in the language of new claim 90.

REJECTION UNDER 35 U.S.C. § 103

Claims 61-69, 71, 74-83, 86, and 87 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ian (GB 2,321,668; "Ian") in view of Homolka et al. (U.S. Pat. No. 6,684,572; "Homolka"). This rejection is respectfully traversed.

Claim 70 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ian in view of Homolka and further in view of Jacoby et al. (U.S. Pat. No. 4,088,229; "Jacoby"). This rejection is respectfully traversed.

Applicant's column protector has a number of advantages not found in the art of record. Some of these advantages have been previously argued and will not be repeated here. By this amendment applicant draws the Examiner's attention to the configuration whereby applicant's column protector provides two stages of impact protection that are made possible by the unique interaction between the inner liner, the outer shell and the upright column to which the protector is attached.

With reference to applicant's Figure 6, note how the "C" shaped outer shell has an elongated slot (at the open end of the "C"), which defines a pair of parallel peripheral edges. Note that the peripheral edges are held apart by the inner liner and do not contact the upright column when retained in said self attaching manner. Because the peripheral edges of the outer shell are "floating" in this fashion, they are free to move—up to a point—as the inner liner becomes depressed during an impact.

Thus during an impact, by a forklift truck for example, the column protector will first absorb impact forces by compression of the inner liner. This compression will cause the outer shell to move in a direction generally parallel to the sidewalls of the rail. Once the outer shell has moved a sufficient distance to engage with and make contact with the rail (as at 605 and 609 in Figure 6) the outer shell will also begin absorbing some of the impact, through flexure of the outer shell.

In this way, applicant's column protector provides a two-staged resistance to impact. The first stage is substantially governed by the compressibility of the inner liner alone, thus the inner liner can be designed to absorb many of the accidental bumps to which the rack will be subjected. The second stage adds resistance by flexure of the outer shell, thereby extending the range of impact protection to handle higher force impacts without the need to make the inner liner unduly large.

In order to more fully distinguish applicant's invention in this regard, new claim 90 is presented for consideration. The dependent claims have been amended to recite dependency on new claim 90, and claim 61 has been cancelled. The Examiner will note, however, that new claim 90 contains essentially the same limitations as claim 61 prior to the February 28, 2011 amendment, except that additional language has been added to more fully explain the two-stage shock absorbing feature discussed above.

In view of these amendments it is respectfully submitted that the claims now fully distinguish over the art of record. Reconsideration and allowance is therefore courteously solicited.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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